

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated January 21, 2009 has been received and its contents carefully reviewed.

Claims 1-5 are hereby amended. Claims 6 and 36-40 were previously canceled. Claim 41 is hereby added. Accordingly, claims 1-5 and 7-35 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claim 3 is objected to for informalities noted therein. *Office Action* at p. 2, ¶ 2. Applicant does not necessarily agree with the Office, however, in an effort to advance the application to allowance, Applicant has amended the claim accordingly and requests that the Office withdraw the objection.

Claims 1-5, 8, 9, 11-18, 20-30, 32, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,770,376 to Sharpe (hereinafter “Sharpe”). *Office Action* at p. 3, ¶ 5. Applicant respectfully traverses this rejection and requests reconsideration.

Independent claims 1-5 are allowable over the cited references, in that claims 1-5 similarly recite a combination of elements including, at least, “removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub; soaking the contaminants for a predetermined time period by holding the tub and the pulsator stationary after removing contaminants by rotating the tube or the pulsator is completed.” Additionally, independent claims 3-5 are allowable over the cited references, in that claims 3-5 similarly recite a combination of elements including, at least, “supplying clean water to the tub a second time after draining water from the tub for the first time and supplying water to the surface of the tub are completed.”

As required in Chapter 2143.03 of the MPEP, in order to “establish prima facie obviousness of the claimed invention, all the limitations must be taught or suggested by the prior

art.” The Applicant submits that *Sharpe* does not teach or suggest each and every element recited in claims 1-5, 8, 9, 11-18, 20-30, 32, and 35.

The Office asserts that “*Sharpe* ... discloses the steps of:... rotating the tub ... ;energizing the main motor after the water supply is completed ..., or soaking contaminants for a predetermined time period by holding the tub and agitator stationary.” *Office Action* at p.3 The Office relies upon column 5, lines 34-39, 43 and 49-52 of *Sharpe* to support this assertion. *Office Action* at p. 3. *Sharpe*’s soaking step as alleged by the Office, however, is performed during the water supply. *Sharpe* discloses that “the timer motor starts when the water fill is completed” and “[t]imer switch contact 1 is closed in the 20th impulse ... to energize the main motor 52 in a direction to provide agitation of the agitator 44.” *Sharpe* at col. 5:31-35. Therefore, as admitted by the office it is not until after this water supply is completed that the agitator is operated for the first time. See *Office Action* at p. 3. During *Sharpe*’s water supply or before the water supply, neither the agitator nor the tub is operated. Even if one of ordinary skill in the art were to construe *Sharpe*’s water supply as the soaking step recited by the claims, *Sharpe* still fails to teach or suggest “removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub” which intervenes between the water supplying and the alleged soaking. Therefore, *Sharpe* fails to teach or suggest not only “removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub” but also “soaking the contaminants ... by holding the tub and the pulsator stationary after removing contaminants by rotating the tub or the pulsator is completed,” as recited by the claims.

Furthermore, the Office purports that *Sharpe*’s disclosure found in column 5, lines 43 and 49-52 discloses the removing step as recited in the claims. This portion of *Sharpe*’s disclosure, however, corresponds to a "Spin" portion of the "SANITIZE" cycle for draining a sanitizing solution in *Sharpe*. As clearly illustrated in Fig. 3, *Sharpe*’s removing step, as alleged by the Office, is also performed after *Sharpe*’s purported soaking step (i.e. the water supply). In other words, *Sharpe* merely discloses that the alleged soaking step is performed before the alleged removing step. Accordingly, *Sharpe* fails to teach or suggest "soaking the contaminants for a predetermined time period by holding the tub and the pulsator stationary after removing contaminants by rotating the tub or the pulsator is completed," as recited in the claims.

Additionally, independent claims 3-5 further recite "supplying clean water to the tub a second time after draining water from the tub for the first time and supplying water to the surface of the tub are completed." The office purports that "*Sharpe* discloses spraying water to the tub, which reads on supplying water to the tub for a second time and rinsing the surface of the tub ... and draining water from the tub for a second time." *Office Action* at p. 4. The Office relies on column 5, lines 46-52 and column 6, lines 37-38 of *Sharpe*'s disclosure to support this assertion. *Sharpe* discloses that "[d]uring the 23rd timer impulse, the timer switch contact 14 is closed to initiate a brief ... spray of fresh clean water" and "that the clean flushing water which is sprayed during the 23rd timer impulse is removed to drain during the spin portion of the 'SANITIZE' cycle." *Sharpe* at col. 5:47-49 and col. 6:6-8. *Sharpe* discloses that "[t]he drain pump 76 operates to remove sanitizing solution to drain so long as the 'SANITIZE' cycle is in spin." *Sharpe* at col. 6:6-8. Therefore, *Sharpe*'s supplying water for the second time, as alleged by the Office, is performed during the draining water step for the first time. Accordingly, *Sharpe* does not teach or suggest "supplying clean water to the tub a second time after draining water from the tub for the first time and supplying water to the surface of the tub are completed."

Further, the Office asserts that "[t]he claim 13 [*sic*] recitation of supplying water a second time ... is not clearly distinct from the supplying-during-draining step." *Office Action* at p. 12. Applicant disagrees. As stated above, independent claims 3-5 recite "supplying clean water to the tub a second time after draining water from the tub for the first time and supplying water to the surface of the tub are completed." Accordingly, *Sharpe* fails to teach or suggest, at least, these features of the claims.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. §103(a) rejection of independent claims 1-5. Claims 8, 9, 14-18, 20-30, 32, and 35 depend from independent claim 1 and claims 11-13 depend from independent claim 2. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well.

Claims 7, 10, 31, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sharpe* in view of KR 20010093969 to Kim (hereinafter "*Kim*"). *Office Action* at p. 10, ¶ 6. Applicant respectfully traverses this rejection and requests reconsideration.

As set forth in the Office Action, *Kim* is used to disclose “a washing machine tub cleaning method wherein a water current is made to rise along the tub wall due to a rotating pulsator.” *Office Action* at p. 10. Therefore, *Kim* fails to cure the deficiencies of *Sharpe* with respect to independent claim 1. Claims 7, 10, 31, 33 and 34 are allowable at least by virtue of their dependency from claim 1.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sharpe* in view of JP 2002346288 to Iwai et al. (hereinafter “*Iwai*”). *Office Action* at p. 11, ¶ 7. Applicant respectfully traverses this rejection and requests reconsideration.

As set forth in the Office Action, *Iwai* is used to disclose “a method of using a washing machine including a housing unit for use with a sterilizing agent which includes a hydantoin halide compound for releasing a hypohalogenic acid by water contact.” *Office Action* at p. 11. Therefore, *Iwai* fails to cure the deficiencies of *Sharpe* with respect to independent claim 1. Claim 19 is allowable at least by virtue of its dependency from claim 1.

Regarding claim 41, for the same or similar reasons discussed above regarding independent claims 3-5, Applicant respectfully asserts that the cited references do not teach or suggest the features of claim 41 and respectfully submit that claim 41, by virtue of its dependency from independent claims 3-5, is allowable over the cited references.

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

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Respectfully submitted,

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